

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LUIS R. COTTO,

Petitioner,

v.

FRANKLIN J. TENNIS, *et al.*,

Respondents.

Civil Action No. 09-168 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on July 8, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on August 12, 2009 [5], recommends that the Petitioner's Motion for Leave to Proceed *In Forma Pauperis* [1] be denied. Petitioner was allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Rockview, where he is incarcerated. Objections were filed by Petitioner on August 19, 2009 [6]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 9th day of October, 2009;

IT IS HEREBY ORDERED that the Petitioner's Motion for Leave to Proceed *In Forma Pauperis* [1] be, and hereby is, DENIED. The Report and Recommendation of Magistrate Judge Baxter, dated August 12, 2009 [5], is adopted as the opinion of the Court.

/s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record.
U.S. Magistrate Judge Susan Paradise Baxter